

### REMARKS

The Examiner is thanked for the performance of a thorough search.

By this amendment, no claims have been added. Claims 2 and 9 have been cancelled. Claims 1 and 8 have been amended to recite the features of dependent Claims 2 and 9 respectively. Amendment is made without acquiescence to the Office Action's position or prejudice to pursue original Claims 1 and 8 in a continuation application. Hence, Claims 1, 3-8, and 10-14 are pending in the application.

### SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 2, 7, 9, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claim.

Claims 1, 3, 4, 8, 10, and 11 have been rejected under 35 U.S.C. § 102(e) as allegedly unpatentable over U.S. Patent Application 2002/0007303 by Brookler et al. ("*Brookler*").

Claims 5 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Brookler in view of U.S. Patent Application 2002/0052774 by Parker et al. ("*Parker*").

Claims 6 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Brookler in view of U.S. Patent Number 6,826,540 issued to Plantec et al. ("*Plantec*").

The rejections are respectfully traversed.

## RESPONSE TO REJECTIONS BASED ON THE CITED ART

The prior art, even if properly combined, fails to teach, disclose, or suggest, the combination of elements featured in amended Claims 1 and 8.

Amended Claims 1 and 8 each feature:

“establishing a first connection between a mobile device and a gateway using a first protocol;  
wherein said mobile device supports said first protocol but not a second protocol;  
wherein said online community is associated with a server that supports said second protocol but not said first protocol;  
receiving user input that indicates said opinion through user interface controls on said mobile device;  
transmitting, from said mobile device to said gateway, opinion data indicating said opinion, in a message that is not addressed to any specific member of the community, using said first protocol;  
transmitting said opinion data, using said second protocol, from said gateway to said server;  
storing said opinion data as part of survey results at said server, wherein said survey results reflect opinion data from a plurality of members of the online community; and  
transmitting said survey results, using said second protocol, from said server to members of said online community in response to requests received by said server in said second protocol,  
receiving, through user interface controls on a second mobile device, user input that requests said survey results,  
wherein the second mobile device is a mobile device of a member of the community and not the creator of the survey;  
transmitting a request for said survey results, using said first protocol, from said second mobile device to said gateway;  
transmitting a request for said survey results, using said second protocol, from said gateway to said server;  
in response to said request received at said server using said second protocol, transmitting said survey results, using said second protocol, to said gateway; and  
sending said survey results, using said first protocol, from said gateway to said second mobile device”

The above combination of elements is not shown, disclosed, or suggested by the cited art, either individually or in combination.

The Office Action indicated that Claims 2 and 9 are objected to as being

dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claim.

Independent Claims 1 and 8 have been amended to recite the features of dependent Claims 2 and 9 respectively. Consequently, it is respectfully submitted that independent Claims 1 and 8 recite features that are not disclosed, taught, or suggested by the cited art, either individually or in combination. Therefore, it is respectfully submitted that Claims 1 and 8 are patentable over the cited art and are in condition for allowance.

Claims 3-7 and 10-14 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 3-7 and 10-14 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 3-7 and 10-14 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

### CONCLUSION

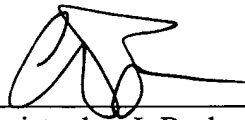
For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Christopher J. Brokaw  
Reg. No. 45,620

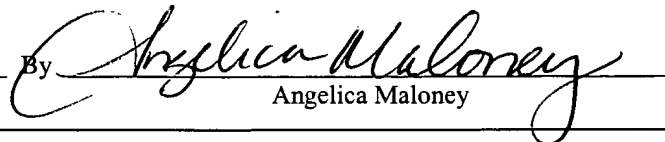
2055 Gateway Place, Suite 550  
San Jose, CA 95110-1089  
(408) 414-1080, ext. 225  
Date: **April 25, 2005**  
Facsimile: (408) 414-1076

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On April 25, 2005

By

  
Angelica Maloney